

Legal Assistance Resource Center

❖ of Connecticut, Inc. ❖

44 Capitol Avenue, Suite 301 ❖ Hartford, Connecticut 06106
(860) 278-5688 x203 ❖ cell (860) 836-6355 ❖ fax (860) 278-2957 ❖ RPodolsky@LARCC.org

Miscellaneous bills

Housing Committee public hearing – February 19, 2019
Testimony of Raphael L. Podolsky

Elderly/Disabled public housing (S.B. 336, S.B. 337)

OPPOSE

Connecticut's state "elderly" public housing has been, for some 50 years (almost since its very creation), actually housing for persons who are either over age 62 or disabled. These two bills propose to cap the number of disabled persons in state elderly/disabled public housing at 14% of the units. Both the state Fair Housing Act and the state Constitution prohibit discrimination against persons with physical or mental disabilities. The passage of this bill would, as a result, raise serious constitutional questions. In addition, it is not good policy to pit two groups in need of housing assistance against each other. The solution is to create more public housing for both seniors and persons with disabilities, to enhance services in public housing for both groups, and to expand rental assistance opportunities outside of public housing for persons with disabilities.

Drug-related evictions (H.B. 5066)

OPPOSE

There is no need for additional legislation in this area. State law already deals with drug-related behavior, both in public and private housing, as a form of serious nuisance, nuisance, and breach of the tenant's duties, all of which are grounds for eviction. See C.G.S. 47a-11, 47a-15, and 47a-32. In addition, a tenant can be evicted for breach of the lease, and public housing leases routinely include drug-related clauses of this sort. If the underlying purpose of this bill is, however, to go beyond existing so as to prevent a primary tenant from proving that he or she did not know of the conduct or, upon learning of the conduct, took action to remove the occupant from the household, then the proposal is undesirable. The eviction of an entire family because of the misbehavior of one who has been removed from the household -- and who may well be in jail and not a threat to return to the unit -- is an unnecessarily harsh penalty. Similarly, the eviction of all members of a household because of conduct occurring elsewhere with no relationship at all to the apartment or even to housing authority premises, goes beyond what is necessary and has serious consequences for those who may have had neither knowledge nor participation in the misconduct. This bill is unnecessary and should not be adopted.

Interagency Council on Affordable Housing (S.B. 24, S.B. 338)

AMEND

These two bills propose to expand the membership of the Interagency Council on Affordable Housing (ICAH) to include additional stakeholders. The ICAH is the

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entity that prepared the plan for the implementation of the new Department of Housing. The bills make specific mention of housing authorities, developers, bankers, realtors, and property owners and managers.

We support the continuation of the ICAH as an on-going advisory body to the Department of Housing, and we do not object to some expansion of its membership to include more stakeholders. We are concerned, however, that the expansion proposed by these bills seems to be focused entirely on property owner, lender, developer, and management interests without any expansion of representation for other interests. We note in particular that there is no representation on the Council for tenants of private housing or their advocates, nor is there representation for the large number of low-income residents of Connecticut who are living in unaffordable situations and are badly in need of subsidized housing but may not even be able to get on state waiting lists. When the state Section 8 list was last opened, for example, nearly 50,000 households applied but only a fraction of them were placed on the waiting list. If the membership of the Council is expanded, care should be taken to include representatives of the interests of private tenants generally and of those living in unaffordable situations because of the lack of sufficient low-cost housing. .

Fair rent commissions (H.B. 5970)

SUPPORT

Connecticut law allows towns to establish fair rent commissions to receive complaints "relative to rental charges on housing accommodations" and to take action if such charges are "so excessive, with due regard to all the circumstances, as to be harsh and unconscionable." See C.G.S. 7-148b through 7-148f. About 25 towns have fair rent commissions, of which the most recent are Clinton and New Britain. There are fair rent commissions in such larger towns as Hartford, New Haven, Bridgeport, Norwalk, and Stamford; in such suburban towns as Glastonbury, Farmington, West Hartford, and Hamden; and in such outlying towns as Westbrook and Colchester.

This bill is the apparent result of a fair rent commission which refused to take jurisdiction over complaints claiming that a landlord was imposing unconscionable fees and surcharges. In our opinion, such charges are clearly "relative to rental charges" and are thus within the jurisdiction of fair rent commissions. On the other hand, there is no harm in making clear that the phrase "rental charge" for purposes of fair rent commission jurisdiction includes related fees and surcharges. Such a change would not be an extension of fair rent commission jurisdiction but rather a clarification that such authority already exists.